

## **REMARKS**

### **STATUS OF CLAIMS**

Concurrently with filing of the RCE, claims 1, 32, 40, 71, 79 and 80 have been amended, and claims 3 and 42 have been cancelled. Claims 1, 2, 6, 8-35, 40, 41, 45, 47-74, 79 and 80 are now pending in this application. Claims 36-39 and 75-78 have been withdrawn from consideration as being directed to a non-elected invention.

### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103**

I. Claims 1-3, 6, 8, 9, 11, 15-23, 30, 32, 34, 40-42, 45, 47, 48, 50, 54-62, 69, 71, 73, 79 and 80 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Fritsch (U.S. Patent 6,247,130), for the reasons substantially of record.

Applicants have commented on this rejection in at least the Responses dated November 20, 2007 and May 12, 2008. These previous comments of record regarding this rejection are not repeated, but incorporated herein by reference thereto.

However, to expedite prosecution, claim 3 has been cancelled and independent claim 1 has been amended to delineate, *inter alia*:

...  
a sending unit sending at least one of said sub-applications, according to said information received, *to any of a plurality of terminals at which the user performs the application or said at least one of said sub-applications, said plurality of terminals being connected to the server device through communications lines,*

...  
a sub-application *currently being executed* stores the ID of a sub-application that is to be *executed* next,

when said receiving unit receives the ID of said sub-application, said sending unit sends, based on said ID received, the relevant sub-application stored in said first storage unit, **and**

***said sub-applications have a certain order for execution, and an object of the application before being divided into said plurality of sub-applications is achieved by executing said sub-applications in said certain order.***

Independent claims 32, 40, 71, 79 and 80 have been amended to recite similar subject matter and claim 42 has been cancelled.

With regard to claim 3, the subject matter of which is now included in independent claims 1, 32, 40, 71, 79 and 80, Fritsch does not disclose or suggest that the sub-applications have a certain order for execution, and an object of the application before being divided into the plurality of sub-applications is achieved by executing the sub-applications in the certain order.

The amended independent claims also now require that a sub-application currently being executed **stores** the ID of a sub-application that is to be executed next. Fritsch does not disclose or suggest that the song currently being played **stores** the ID of the song that is to be played next.

Thus, claims 1, 2, 6, 8, 9, 11, 15-23, 30, 32, 34, 40, 41, 45, 47, 48, 50, 54-62, 69, 71, 73, 79 and 80, as amended, are patentable over Fritsch for at least these reasons.

**II.** Claims 10, 12-14, 31, 33, 49, 51-53, 70 and 72 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Zilliacus et al. (U.S. Patent 6,832,23).

Amended independent claims 1, 32, 40 and 71 are patentable over Fritsch and Zilliacus et al. does not remedy the above noted deficiencies of Fritsch as to amended independent claims 1, 32, 40 and 71. Claims 10, 12-14, 31 depend indirectly from amended independent claim 1, claim 33 depends directly from amended independent claim 32, claims 49, 51-53 and 70 depend

indirectly from amended independent claim 40, and claim 72 depends directly from amended independent claim 71. Therefore, claims 10, 12-14, 31, 33, 49, 51-53, 70 and 72 are patentable over Fritsch and Zilliacus et al.

**III.** Claims 31, 33, 70 and 72 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Hoffman (U.S. Patent 6,622,017).

Amended independent claims 1, 32, 40 and 71 are patentable over Fritsch and Hoffman does not remedy the above noted deficiencies of Fritsch as to amended independent claims 1, 32, 40 and 71. Claim 31 depends indirectly from amended independent claim 1, claim 33 depends directly from amended independent claim 32, claim 70 depends indirectly from amended independent claim 40, and claim 72 depends directly from amended independent claim 71. Therefore, claims 31, 33, 70 and 72 are patentable over Fritsch and Hoffman.

**IV.** Claims 24-29, 35, 63-68 and 74 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Kupka et al. (U.S. Patent 6,434,535), for the reasons substantially of record.

Amended independent claims 1, 32, 40 and 71 are patentable over Fritsch and Kupa et al. does not remedy the above noted deficiencies of Fritsch as to amended independent claims 1, 32, 40 and 71. Claims 24-29 depend directly or indirectly from amended independent claim 1, claim 35 depends indirectly from amended independent claim 32, claims 63-68 depend directly or indirectly from amended independent claim 40, and claim 74 depends indirectly from amended

independent claim 71. Therefore, claims 24-29, 35, 63-68 and 74 are patentable over Fritsch and Kupka et al.

V. In view of the above, the allowance of claims 1, 2, 6, 8-35, 40, 41, 45, 47-74, 79 and 80, as amended, is respectfully solicited.

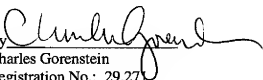
### **CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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